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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,362	06/01/2001	John Crupi	0007056-0044/P5241	1154

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EXAMINER
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CURCIO, JAMES A F

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 07/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,362

Applicant(s)

CRUPI ET AL.

Examiner

James Curcio

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19, 38, and 57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "service island proxy integrator design pattern" is not recognized in the computer art. Applicant may act as own lexicographer but must particularly point out and distinctly define claim terms not recognizable to one of ordinary skill in the art. For the remainder of this office action, Examiner interprets a "service island proxy integrator" as an integrator of an isolated, wireless, or remote device.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1-57 rejected under 35 U.S.C. 102(a) as being anticipated by Using Rose (March 2000).

5. As per claims 1, 20, and 39, Using Rose discloses a method, design pattern locator, and a computer usable medium having computer readable program code that accomplishes the following steps:

Determining a type of design pattern (Figures 3-pg.22, 4-pg.23, 5:pg.25, 6:pg.32, 10:pg.48, and associated text),

Providing a plurality of instances of said type of design pattern (Figures 3-pg.22, 4-pg.23, 5:pg.25, 6:pg.32, 10:pg.48, and associated text),

Choosing a member of said plurality of instances (Figures 3-pg.22, 4-pg.23, 5:pg.25, 6:pg.32, 10:pg.48, and associated text).

6. As per claims 2-9, 21-28, and 40-47, in addition to the teachings applied above, Using Rose discloses the following alternatives for said type:

presentation (Figures 15:pg. 61, 48:pg. 128, 49:pg. 134, 50:pg. 135, 51:pg. 136, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80:pg. 185, 87:pg. 195, 96:pg. 214, and associated text),

business (Figures 15:pg. 61, 49:pg. 134, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80:pg. 185, 87:pg. 195, 96:pg. 214, and associated text),

service (Figures 15:pg. 61, 48:pg. 128, 49:pg. 134, 50:pg. 135, 51:pg. 136, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80:pg. 185, 87:pg. 195, 96:pg. 214, and associated text),

integration (Figures 15:pg. 61, 48:pg. 128, 49:pg. 134, 50:pg. 135, 51:pg. 136, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80:pg. 185, 87:pg. 195, 96:pg. 214, and associated text),

business / service hybrid (Figures 15:pg. 61, 49:pg. 134, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80: pg. 185, 87:pg. 195, 96:pg. 214, and associated text),

presentation / business hybrid (Figures 15:pg. 61, 49:pg. 134, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80: pg. 185, 87:pg. 195, 96:pg. 214, and associated text),

business / integration hybrid (Figures 15:pg. 61, 49:pg. 134, 68:pg. 159, 69:pg. 160, 73:pg. 169, 80: pg. 185, 87:pg. 195, 96:pg. 214, and associated text).

7. As per claims 10-19, 29-38, and 48-57, in addition to the teachings applied above, Using Rose discloses the following alternatives for said member:

Mediator view design pattern (Fig. 15: pg. 61, Fig. 68: pg. 159, Fig. 69: pg. 160, Fig. 87: pg. 195, Fig. 96: pg. 214, and associated text),

Service to workers design pattern (pg. 111-123, Fig. 16: pg. 63 and associated text, Fig. 42: pg. 117 and associated text),

Mutable conversational business entity design pattern (Fig. 15: pg. 61, Fig. 16: pg. 63, Fig. 50: pg. 135, Fig. 80: pg. 185, Fig. 96: pg. 214, and associated text),

Mutable conversational aggregator business entity design pattern (Fig. 15: pg. 61, Fig. 16: pg. 63 (emphasis added to Aggregation, Unidirectional Aggregation symbols), Fig. 50: pg. 135, Fig. 80: pg. 185, Fig. 96: pg. 214, and associated text),

Immutable business object builder design pattern (Fig. 15: pg. 61, Fig. 16: pg. 63 (emphasis added to public, protected, private attributes – immutable objects from perspective of non-friend and/or non-child objects), Fig. 17: pg. 66 (emphasis added to public, protected, and private attributes – immutable objects from perspective of non-friend and/or non-child objects), Table 5: pg. 67, Fig. 18: pg. 68 (emphasis added to persistent and transient options – options for mutable vs. immutable objects), Fig. 48: pg. 128, Fig. 49: pg. 134, Fig. 50: pg. 135, Fig. 51: pg. 136, Fig. 80: pg. 185, Fig. 96: pg. 214, and associated text),

Mutable conversational value object business entity (Fig. 15: pg. 61, Fig. 16: pg. 63, Fig. 17: pg. 66, Table 5: pg. 67, Fig. 18: pg. 68, Fig. 25: pg. 84 (emphasis added to 'By Value' characteristic), Fig. 48: pg. 128, Fig. 49: pg. 134, Fig. 50: pg. 135, Fig. 51: pg. 136, Fig. 80: pg. 185, Fig. 96: pg. 214, and associated text),

Immutable conversational business list handler design pattern (Fig. 15: pg. 61, Fig. 16: pg. 63, Fig. 35: pg. 101 (emphasis added to cardinality field), Fig. 38: pg. 106 (emphasis added to multiplicity), Fig. 96: pg. 214, and associated text),

Business delegate design pattern (Fig. 16: pg. 63 (emphasis added to business actor, business entity, and business use case, and business worker class), Fig. 42: pg. 117 (emphasis added to actor, use case, business use case, business actor, business entity, and business worker class), and associated text),

Service workflow controller design pattern (Fig. 48: pg. 128, Fig. 49: pg. 134, Fig. 50: pg. 135, Fig. 51: pg. 136, Fig. 73: pg. 169, Fig. 87: pg. 195, Fig. 96: pg. 214, and associated text), and

Service island proxy integrator design pattern (Fig. 68: pg. 159, Fig. 69: pg. 160, and associated text).

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Danno et al (US006571247B1)
- b. Birsan et al (US006023578A)
- c. lyengar et al (US006038393A).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Curcio whose telephone number is 703-305-8887. The examiner can normally be reached on Tuesday through Friday from 7 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam, can be reached on Monday through Friday. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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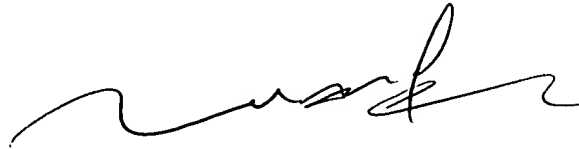
Business Center (EBC) at 866-217-9197 (toll-free).

JC

June 21, 2004

JC

AU 2122



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**